

MINUTES

BOARD OF ADJUSTMENT HEARING

November 5, 2008

ATTENDANCE

Board Members

ATTENDED

1. Bill Arendell, Chairman
2. Hartley Turley

ABSENT

Carla Bowen

Staff Attendance

1. Bill Fraley, Deputy Director
2. Ron Gates, Senior Building Inspector
3. Doris Hernandez, Secretary

Meeting held at the Navajo County Board of Supervisors Chambers, Holbrook, Arizona – Time: 9:00.

Bill Arendell called the meeting of the Navajo County Board of Adjustment to order and explained the meeting procedures to the public. **Bill Arendell** then led the Pledge of Allegiance.

Item #1 – ACTION: VARIANCE APPLICANT/OWNER: Ronald Keith Hoff PARCEL INFORMATION: Lot 54B, 1048 Sunset View Circle, Chaparral Amended Two APN: 409-45-054B, Township 10 North, Range 21 East, Section 3 SW4 & 10 NW4 of the Gila and Salt River Meridian in the Linden area. District: IV Area/Directions: Hwy. 260. to Chaparral Dr., turn right and immediately turn right on Pine Ridge Dr, follow to (Fawn Cr on map) Sunset View Circle and turn left, property on left. Parcel Size: **.5 acre.** **GENERAL CHARACTER OF NEIGHBORHOOD:** This property and all properties surrounding it are all zoned A-Gen. The homes in the surrounding neighborhood are site built and manufactured homes. The area is located within the Chaparral Amended Two subdivision. **ZONING DISTRICTS:** Current: A-Gen Uses: Residential Single-family dwellings, schools, parks, churches, public utility buildings, accessory buildings, playgrounds, home occupations and guest houses. **ZONING ORDINANCE:** Article(s): 28 – Board of Adjustment Section(s): 2802- Power and Duties. **STATED REASON FOR REQUEST:** To allow for placement of a manufactured home within 14.6-foot of the rear property line. **CHANGING CONDITIONS:** Allows encroachment into the required 20-foot rear yard setback. **FINDINGS OF FACT:** This item has been properly noticed and posted in compliance with Arizona Revised Statutes and Article 28. **ENGINEERING COMMENTS:** The County Engineering staff has reviewed the set back variance for the Hoff residence at; 1048 Sunset View Circle. Staff has no issue with the proposed setback location. **FLOOD CONTROL COMMENTS:** Flood Control has reviewed 409-45-054B. This parcel is not in a FEMA floodplain per FEMA map 2350B dated 11-19-2003. Flood Control has no objections to this Variance. **PLANNING & ZONING DEPARTMENT:** The staff has reviewed the site plan and has concerns. A 1971 single-wide manufactured home was removed and the proposed 2008 manufactured home was set on the lot. The new proposed manufactured home was not set on the lot according to the site plan. There is a discrepancy between the site plan that was submitted with the manufactured home installation permit and the site plan that was submitted with the variance submittal. The building department went to the site to inspect the setup of the manufactured home and discovered that it was within the rear yard setback. The applicant was notified that the home would have to be moved. It was determined that the cost to move it would be prohibitive, so a variance application was submitted. The Granting of this Variance as requested would allow for construction to encroach into the rear yard setback. Upon visiting the property, staff feels there is ample room for the manufactured home to meet all required setback distances and feels the applicant should be advised to do so. The perceived need for a variance is self-imposed. **PUBLIC WORKS DEPARTMENT RECOMMENDATION:** Should the Board grant this Variance request, staff would recommend the following conditions be applied. The variance shall automatically expire if construction, in accordance with the plans for which the variance is granted, has not been completed within one year from the date on which the variance is granted. **Bill Fraley** introduced

Ron Gates to the board members. He then showed a map of the property and gave a brief description. **Bill** stated that the Planning Dept. had some concerns. There was a single wide mobile home that was removed from the site and that the new manufactured home was not set on the lot according to the site plan and also there is a discrepancy between the site plan submitted with the manufactured home installation for the new one and also for the site plan that was submitted for the one with the Variance. The Building Dept. went to the site to inspect the setup of the manufactured home and discovered that it was within the rear yard setback, the applicant was then notified and the setup was stopped and subsequently the property owner requested a variance to see if he could leave it sitting where it is. **Mr. Fraley** stated that if they would move the home 7 feet then it would meet the setbacks and then there would be no problem. **Ronald Hoff**, applicant, then approached the microphone to speak. He stated that the property was his mothers and she was living there and thought that he would get her out of her old mobile home that was leaking and had old wiring. He started to look for a new mobile home for her. He ended up looking at Busby's in Snowflake and they told him that he could save money by submitting the site plan himself. One problem that he had was telling which was the front of the property and which was the back because you drive in from the street which is Sunset View and in the back there is a triangle which looks like the back of the property so when he submitted the first site plan he thought he had enough room. **Mr. Arendell** asked if that (pointing at the map) looked like the back to him. **Mr. Hoff** indicated that it did because it is a very long section and much more narrow the other way and that there is a fence and after the entrance from Sunset there is another section of fence and then it runs back. Then he tore down the old mobile himself because he could not afford to have anyone else to and had someone remove it. He asked Busby's to come out and check to see if everything was okay but they were always too busy and never came out and they said it was okay. Then they brought the home out and once they put it in he got a phone call that it passed everything except for the setback was the only problem. In the mean time his mother is out of a home and she is not in the best of health and he was hoping to get her in there to live out a few years before she has to move in with him permanently, she doesn't like living in the valley where he lives. He hoped that the board would grant the variance. He has talked to Busby's several times and they made it sound that if they went to court that he wouldn't have a chance and the fact that when they brought in the home they didn't say that it was too close to the property line even though he did the site plan himself. The first time that Rick Busby called him he said that he told them to stop doing the interior work once there was a problem but when Mr. Hoff called Busby's they said that Mr. Busby didn't tell them that and they finished up all of the interior except for the carpeting so now they have quoted him \$4000.00 to move it and there is also a big tree that will have to come down and the reason he tried to get it in that spot is that the tree is right in the area and he wanted to try to save as many trees as he could. He stated that in the mean time all of his mothers' belongings are in the building that he left up. **Mr. Arendell** asked if anyone else would like to speak. **Richard Hoff**, brother of Ronald, approached the microphone. He asked if they would grant the variance so that they could finish up the work because his brother cannot afford \$4000.00 to move the home and the neighbors would like them to get busy and clean it up. **Mr. Arendell** asked if staff had any comments. **Ron Gates** stated that he would like to clarify a couple of points. He indicated that he did talk to Mr. Hoff a couple of times in the beginning before the planning of this. He wished that they had extended a little more communication and not be at this point. This is remarkable that he is helping his mother and they respect that. He understands the monies and he feels bad about this but at the same time he has been out there a couple of times and he has run these areas for about 30 years and is very familiar with the area. He had seen the house that was there before and also the fence that was connected to the neighbors' fence. **Ron** explained that the storage shed is actually a part of the old house so what he envisioned when they issued the permit was that Mr. Hoff was removing the old single wide and placing the new mobile home next to the storage which was the living area. The 85 ft. back from Sunset Road actually depicts real accurately where the old house was and up next to the storage shed so by upgrading, in his understanding of the permit, was to remove the old house and put the new home against it in the same place. At some point they figured that if there was a better location for it, which was fine, then they would have been glad to assist them in setting it in accordance with the setbacks. It would protect the property behind it then he would not have been so close to it. **Ron** has been back out there a couple of times to figure out a solution that would be practical for both of them and he sees that and having been involved in setting a few houses he knows that there is a chore in it but the house could be moved. Looking at the photo he is holding a tape measure and the house could be moved over to the right back between the two trees. If the back of the trailer was swung over to the point he might lose the little pine in the front but if the house was moved just the 7 ft. over it wouldn't be encroaching in the easement in the back and would meet its 20 ft. setback and

he could have decks in the front but will not be able to build anything else in the back. On the back side there is a propane tank that the owners in the back have already set up and the fence lines are already established to leave the house in the front is fine but in the back is the 13 ft. where it comes against the fence so just moving it a little more than 6 ft. or a little less than 7 ft. away from the fence and towards the tree on the other side then there would not be any trees that have to be cut down. There has already been a new power pole that has been established that wouldn't be affected. He explained that he doesn't see anything that will be affected mechanically or trees that have to be cut down if the manufactured homes were to be moved out of the required setback area. **Mr. Arendell** commented that this is something that they have been addressing seriously of people not meeting their setback criteria in placing their manufactured home and they have had several people move them in the past and the installers fail to install it properly. **Hartley Turley** added that he feels for them because he has done the same thing himself many times, not checking into things like he should, and there has been a mistake here and he feels that it needs to be corrected to obey the law. **Mr. Arendell** asked Mr. Hoff if he would like to make a comment. **Mr. Hoff** replied that he would like to correct one thing. The propane tank that Mr. Gates referred to is just an empty water tank and they have seen the owners there maybe only one time since the 15 years that his parents have lived there. He was assuming that the storage building which is part of the left over that he would be taking it down after she was moved in but said that he didn't hear that it was a requirement. **Mr. Fraley** added that they hadn't yet because they were not really sure what exactly the plans were for it but if they want to take it down that would be fine. **Mr. Hoff** indicated that he assumed that it could not stay. **Mr. Fraley** expressed that certainly not in the existing condition; it is not a completed building. **Mr. Hoff** asked if it could be turned into a garage. **Mr. Fraley** answered that it could. **Mr. Hoff** stated that his biggest problem was the shape of the lot and it caused all kinds of trouble and hopefully it will be approved. **Mr. Arendell** commented that he feels that it is the homeowner's responsibility to locate which is the front. **Mr. Turley** made a motion to deny the variance. **Mr. Arendell** seconded the motion. The motion was denied unanimously. **Denied by Resolution # 08:10B.**

Item #2 – ACTION: USE PERMIT APPLICANT/OWNER: Jim & Carol Crittenden PARCEL INFORMATION: 5178 S. Flores Drive APN: 212-04-162H, Township 9 North, Range 22 East, Section 5 of the Gila and Salt River Meridian in the Show Low area. District: IV Area: Hwy. 260. To Cub Lake Drive, turn right and go to Flores Drive, turn left. Property is on the corner of S. Flores Drive and Four Wheel Drive. Parcel Size: 1.30 Acres **GENERAL CHARACTER OF NEIGHBORHOOD:** This property and all properties surrounding it are all zoned A-General. The surrounding lots are covered in pine trees. The site is located in a neighborhood that has both site built and manufactured homes. **ZONING DISTRICTS:** Current: A-General Uses: Residential Single-family dwellings, schools, parks, churches, public utility buildings, accessory buildings, playgrounds, public riding stables and other community buildings. **ZONING ORDINANCE:** Article(s): 28 – Board of Adjustment Section(s): 2802- Power and Duties. **STATED REASON FOR REQUEST:** To allow placement of a 2nd dwelling on the 1.30-acre parcel to provide guest quarters for family members on the premises. **CHANGING CONDITIONS:** The proposed use permit will allow a second dwelling on the property. **FINDINGS OF FACT:** This item has been properly noticed and posted in compliance with Arizona Revised Statutes and Article 28. **ENGINEERING COMMENTS:** Engineering has reviewed the Crittenden Use Permit, APN: 212-04-162H and finds that it is acceptable. **FLOOD CONTROL COMMENTS:** Flood Control has reviewed parcel #212-04-162H. This parcel is not in a FEMA floodplain per FEMA map 2459D dated 9-30-1992. Flood Control has no objections to this Use Permit. **PLANNING & ZONING DEPARTMENT:** Planning & Zoning staff have reviewed the site plan for the Use Permit. The guest quarter is an allowed use, under the zoning classification which is A-General with a Use Permit. There is an existing three bedroom/two bath manufactured home which will become the guest quarters. A new three bedroom/two bath site built home will be the primary dwelling. A soils test was completed on August 13, 2008. A new septic system will be installed prior to the building permit issuance. **PUBLIC WORKS DEPARTMENT RECOMMENDATION:** Should the Board grant this Use Permit request, staff would recommend the following conditions be applied. The applicant must adhere to all Navajo County permit and code requirements for construction of the new dwelling. The use permit shall automatically expire if substantial construction has not been completed within one year from the date on which the use permit is granted. The Use Permit is solely for use as a guest house and the structure shall never be used as a rental unit. **Mr. Fraley** displayed a map and gave a brief description of the property. **Mr. Gates** displayed several photos

of the property. **Mr. Fraley** stated that he has received a couple of e-mails that were forwarded to the board members and had several conversations that morning from the neighbors that were concerned about the easements and wanting to know what the county could do with that. He explained to them that they were easements and not county right-of-ways. **Mr. Fraley** indicated that he and Ron were at the site the day before and they had a question as to where the land backing up to the forest service's. **Ron** added that the property in question has three roads around it. **Bill** explained that it appeared that they could find the property corner but the roadway that is existing comes over it, if you stand back and look straight back to the other side which may be okay because typically the easements are on both sides of the property. The main issue he would like to point out, which he advised the people he talked to, is that any building will be 20 ft. from the property line and they have ample room so he doesn't see that being an issue or problem at all, it's just a requirement before they issue permits that they know where the property pins are. The neighbors concern is that they want it to remain a single family dwelling area. He explained to them that this is an allowable use, they are not asking for something that is not allowed in this zoning classification. In fact if they wanted to they have enough property area that they could split the property to satisfy the neighbors or themselves. **Mr. Arendell** asked if this was a septic area or sewer. **Ron** replied that it was a septic area. **Mr. Fraley** added that they have already done the soils test for the second septic. **Mr. Arendell** asked if they were easements or a dedicated road. **Mr. Fraley** answered that it is not a county roadway. **Mr. Arendell** asked if they could put a gate in the easement. **Mr. Fraley** replied that they should be dissuaded from doing that. **Mr. Arendell** asked if anyone would like to speak on behalf of this Use Permit. **Carol Crittenden**, owner of the property, addressed the board. She explained that when they bought the property all of the neighbors were all nice and she didn't have any problem with any of them. A few weeks prior to this she went outside and introduced herself to one of the neighbors that she hadn't met yet. She wanted to let them know that they were taking what used to be a wooden fence down and were going to straighten the yard up because her neighbors' driveway was there and they were used to cutting across way into her property about 20 ft. from the property line. She doesn't think they are concerned about them building a second residence, what they are concerned about is the fact that they can no longer drive on the property. She displayed some pictures of the driveway. She put in a flower bed and a wall because there is a storage shed and she has a place she would like to put up a greenhouse. She indicated that she and her daughter marked off 10 ft. off of their side of the property line and said that there is 15 ft. easement on their side and also on the other side. She checked with the title company because she couldn't understand the legal description and she wanted to know and make sure that she was within her rights and not encroaching on someone else's property. They are not giving up anything and are utilizing the whole thing. They have been using her property not only the easements but the other part. There is a fence on the corner going into the other property so they couldn't drive on that corner and that she has marked it off so that they have plenty of easement to drive on. The other neighbor is worried about sliding off into their ditch. They put a ditch around their property because water was running through their property and washing it away, this way the water runs into the ditch and goes down the hill. She explained to her neighbor that they were not cutting their access off and they were not putting up a gate to close it off, she knows that they have to get through there, but said that the neighbors also have to give up some private property. **Mr. Turley** mentioned that he didn't understand that there is a 15 ft. easement but that Mrs. Crittenden said that the road was 10 ft. **Mrs. Crittenden** commented that the ditch and the wall were over into her property, they may be close to that 15 ft. but there is space there also. **Mr. Fraley** explained that this was on her property. **Mr. Turley** questioned "then there is more than 15 ft. from their property to the middle of the road?" **Mr. Fraley** pointed out on the photos where the property line was located. **Mr. Arendell** made a motion to approve the Use Permit. **Mr. Turley** seconded the motion. Motion passes unanimously. **Approved by Resolution #08:09B.**

Item #3 – Proposed Board of Adjustment Meeting Schedule 2009. **Mr. Arendell** and **Mr. Turley** approved the 2009 schedule.

Item #4 – Possible approval of the minutes for the September 10, 2008 meeting. **Mr. Arendell** made a motion to approve the minutes. **Mr. Turley** seconded the motion. Motion passes unanimously.

Item #5 – Board Members comments and/or directions to staff. The Board Members may use this time to offer additional comments regarding any item on this agenda or any other topic; and the board may direct Development Services Department Staff to study or provide additional information on topics of the Boards' choosing.

With there being no further business to come before the Board of Adjustment, the meeting was adjourned at 9:43 a.m. A motion was made to adjourn the meeting by Bill Arendell. Hartley Turley seconded the motion. Motion passed with a vote of 2 to 0.

Approved this _____ day of _____, _____.

Chairman, Navajo County
Board of Adjustment

ATTEST:

Secretary, Navajo County
Board of Adjustment